S.B. CIVIL WRIT PETITION NO.6107/2005

Mst. Teeja Devi vs. State of Rajasthan & Anr.

Date : 18.10.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. K.S. Gill, for the petitioner.

- - - - -

Heard learned counsel for the petitioner.

According to learned counsel for the petitioner, the petitioner's suit for declaration was dismissed by the trial court dated 29.11.2004 against which, an appeal was preferred by the petitioner and in appeal, the petitioner sought interim relief. The petitioner's application for grant of injunction was dismissed by Revenue Appellate Authority by order dated 23.3.2005. The petitioner challenged the order dated 23.3.2005 by filing revision before the Board of Revenue. The Board of Revenue observed that since the record of trial court has reached to appellate court, therefore, it will be just and proper that the appellate court should decide the main appeal itself within a period of one month from 22.9.2005. The Board of Revenue also directed to maintain status quo with respect to the property in dispute by both the parties.

According to learned counsel for the petitioner, the petitioner will not be able to take the crop from the field in question and the period granted by the Board of Revenue will expire on or about 22.10.2005, therefore, according to

learned counsel for the petitioner, the respondents may be directed to decide the application of allotment of land which the petitioner has already submitted otherwise, the petitioner will be in disadvantageous position before the appellate court.

I have considered the submissions of learned counsel for the petitioner.

It appears from the facts of the case that the petitioner, during the pendency of appeal against dismissal of his suit, sought ad-interim relief from the appellate authority and she failed in that but she succeeded for limited period as the Board of Revenue by order dated 22.9.2005 granted ad-interim order of maintaining status quo with respect to the property in dispute and now the petitioner wants to take benefit of this interim order for getting the relief of regularisation of land in the petitioner's favour when the litigation is finding.

In view of the above, no interference is called for by this Court in the impugned order under writ jurisdiction during the pendency of regularly filed suit by the petitioner herself. Accordingly, the writ petition having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya